

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 19<sup>th</sup> day of June, 2001:

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<u>Present</u>	<u>Vote</u>
James S. Burgett, Chairman	Nay
Donald E. Wiggins, Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
H. R. Ashe	Yes

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On motion of Mr. Ashe, which carried 4:1, the following ordinance was adopted:

AN ORDINANCE TO AMEND CHAPTER 24.1, ZONING, OF THE YORK COUNTY CODE TO REVISE THE DEFINITION OF THE TERM "MARINA" AND TO ESTABLISH CERTAIN PERFORMANCE STANDARDS FOR "EATING FACILITIES" ASSOCIATED WITH MARINAS

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-56-01 to address ambiguities in the current Zoning Ordinance definition of the term "marina" and to consider various performance standards for "eating facilities" associated with marinas; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure and has recommended approval of certain amendments; and

WHEREAS, the Board has conducted a public hearing and given careful consideration to the public comments and the recommendations of staff and the Planning Commission with respect to this application and the proposed amendments; and

WHEREAS, in the interest of good zoning practice and to provide appropriate guidance for the administration its zoning policies, the Board has determined that the proposed amendments are necessary;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19<sup>th</sup> day of June, 2001, that the following amendments to Chapter 24.1, Zoning, of the York County Code be, and they are hereby, adopted:

## Section 24.1-104 Definitions

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**Marina.** A facility designed for docking, storing, servicing, berthing, fueling or repairing of primarily recreational boats and which may include accessory restaurant and retail facilities. Marinas may include in-water berths/slips which are covered or uncovered, dry berths/slips for boat storage on land, either indoors or outdoors, and provisions for transfer of boats to and from the water by means of ramps or mechanical equipment.

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## Section 24.1-462. Standards for marina, dock or boating facility (commercial)

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas or Community Facilities for Boat Mooring" as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.
- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.
- (d) Restaurant facilities associated with commercial marinas shall be subject to the following requirements:
  - (1) The restaurant shall be designed and operated as an accessory component of the marina. Restaurants shall not be permitted in conjunction with any marina having less than twenty (20) in-water berths/slips capable of accommodating a boat of at least sixteen (16) feet in length. Unless a greater size is authorized by a Special Use Permit, the maximum capacity (both indoor and outdoor dining space) of any restaurant established pursuant to these provisions shall be four (4) seats for every one (1) in-water berth/slip, but in no case greater than a 150-seat capacity. The maximum floor area of the dining area (both indoor and outdoor seating areas) and shall not exceed 25 square feet for each allowable seat.
  - (2) The restaurant shall be located on the marina site and designed so as to be compatible in form, character, appearance and arrangement with adjacent properties. In order to prevent or minimize potential adverse impacts on such properties, including but not limited to noise, light and odor, the following site and building design standards shall be observed. For the purposes of the following

performance standards, the term “adjacent” shall be deemed to include properties located across a body of water:

- a) Every reasonable effort shall be made to orient the principal and service entrances to the restaurant away from adjacent residentially-zoned property. The minimum unobstructed distance (measured on a line-of-sight) between the principal and service entrances to the restaurant and any adjacent existing residential structure on residentially zoned property shall be 200 feet. However, if no other reasonable alternative exists, the principal and service entrances may be as close as 100 feet (measured on a line-of-sight) to such existing residential structure(s) on adjacent residentially-zoned property if buffered by appropriate landscaping and fencing. Appropriate landscaping shall consist of a row of leyland cypress spaced at 10 feet on centers, or an equivalent ever-green substitute as approved by the Zoning Administrator, and extending a sufficient linear distance to provide an effective screen between the two uses, and appropriate fencing shall be of a wooden board-on-board type extending the same distance as the landscaping and complying with the height limitations set out in this chapter. Buildings on the restaurant (marina) property may be credited as obstructing the line-of-sight as long as they remain in place. In the event an existing building is determined to provide the line-of-sight obstruction, the above-noted separation distances shall not apply. Should such buildings be removed in the future, the marina operator shall be responsible for establishing a substitute buffer approved by the Zoning Administrator.
- b) Entrance and exit doors shall be kept closed at all times of operation to avoid noise impacts. The loading or unloading of any delivery truck associated with the restaurant operation shall not be permitted between the hours of 6:00 p.m. and 7:00 a.m.
- c) Parking spaces likely to be used by restaurant patrons and employees shall be located so as to minimize impacts on adjacent residentially zoned property. Any such parking area located within 300 feet of a residential structure shall be screened from view by buildings, fencing, landscaping, or combinations thereof. The operator of the establishment shall be responsible to the greatest extent practicable for minimizing and eliminating loitering or congregations of individuals in the parking lot associated with the restaurant.
- d) Every reasonable effort shall be made to orient mechanical equipment such as refrigeration units, HVAC systems,

venting systems, or other systems or components that might cause offensive or objectionable noise or odor so that they face away from adjacent residentially zoned property. All mechanical equipment, regardless of its location, shall be concealed from view from adjacent residentially-zoned properties by appropriate landscaping or architectural treatments and shielded to deflect noise and odor away from such properties.

- e) Garbage, refuse and recycling containers shall be screened from view by a fence, wall or landscaping. Enclosures for such containers shall be located as far away as practicable from any adjacent residential structure and the restaurant operator shall be responsible for controlling odors through scheduling of collection, deodorizers or other means, so as not to be offensive to adjacent residential property owners. Refuse trucks shall not be permitted to service the dumpsters between the hours of 6:00 p.m. and 7:00 a.m.
- (3) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application to establish the restaurant. Outdoor dining areas shall be located and designed so as to ensure the greatest degree of compatibility with adjacent residentially zoned properties and shall be buffered from potential sound emissions to such residential properties by buildings, architectural treatments, landscaping, or combinations thereof. Such buffering and other treatments shall be designed to ensure that sounds (conversations, music) emanating from the outdoor dining area do not exceed the limits prescribed by Section 16-19 of the York County Code.
  - (4) Patrons of the restaurant may be admitted only between the hours of 6:00 a.m. and 10:00 p.m. and serving of food and beverages shall cease, and the restaurant shall close, no later than 11:00 p.m.
  - (5) The restaurant shall not include a specially-designed and dedicated dance floor nor shall live or recorded music be played (either indoors or outdoors) so as to exceed the limits prescribed by Section 16-19 of the York County Code.
  - (6) No outdoor paging or public address systems shall be permitted in conjunction with the restaurant.
  - (7) All outdoor lighting associated with the restaurant and including but not limited to, its appurtenant parking lots, walkways, and service areas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established

by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.

- (8) The marina operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow marina/restaurant patrons to park in access drives, service drives, fire lanes or landscaped areas. The marina operator shall be responsible for installing / erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site.
- (9) The application for approval of a new marina with a restaurant, or for the addition or expansion of a restaurant at an existing marina, shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II, division 5, of this chapter. Such study shall be required for all restaurant proposals, regardless of their size. Such study shall be based on the traffic generation figures associated with the marina, using the current ITE trip generation figures, and also including the restaurant as an additive traffic generator but at a factor of 25% of the volumes that would be expected if the restaurant were a stand-alone facility. Approval of the restaurant at the size proposed shall be contingent on demonstration through the traffic analysis that the capacity of the road system serving the marina can accommodate the projected traffic and that there will be no excessive or adverse impact on residential streets nor a demonstrable safety hazard to vehicular or pedestrian traffic along the access routes. The findings and conclusions of the traffic analysis shall be subject to approval by the Virginia Department of Transportation.
- (10) The owner of any property desiring to establish a restaurant in conjunction with a marina but which does not propose compliance with the above-stated standards may request consideration of such alternate proposal by submitting an application for approval of a Special Use Permit. In reviewing such a request, the Board of Supervisors may modify and supplement the above-stated standards in such manner as it deems appropriate to the specific property and proposal.

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Section 24.1-463. Standards for marina, dock or boating facility (private or club).

Add subsection (e) as follows:

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- (e) Restaurant facilities associated with private or club marinas shall be subject to the requirements set forth in Section 24.1-462 for commercial marina facilities.

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A Copy Teste:

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James O. McReynolds

Clerk